

Application No. 09/921,096
Amendment dated January 23, 2007
Reply to Office Action of August 11, 2006

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REMARKS

Applicant amended claims 1-3, 8-10, 15-16, 22-23, and 29 to further define Applicant's claimed invention. Support for the amendments to independent claims 1, 8, 15, 22, and 29 is found at least in page 2, line 24 to page 3, line 14 and FIG. 4 of the application.

In the Office Action, the Examiner rejected claims 1-4, 6-11, 13-18, 2-25, 27-33, 35, and 37-39 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,790,935 to Payton.

Independent claims 1, 8, 15, 22, and 29 as now amended, recite a system for distributing digital video content, a method for refreshing video content, a system for distributing digital media content, a method for distributing digital media content and a system for delivering and managing media content, respectively, where the video/media content includes "a plurality of media assets and associated metadata combined into groupings based on at least one common criteria of the media assets," and where the groupings are aggregated "into at least one rollout for presentation to at least one group of consumers selected based on at least one common criteria of the consumers." Payton does not teach or suggest such systems or methods.

Payton teaches a virtual on-demand delivery of digital information where "[a] collaborative filtering system 42 synthesizes the subscriber profiles 40, predicts which of the available items 36 each subscriber may be interested in or may request, and produces a list 44 of those recommended items for each subscriber." (Payton, Col. 5, lines 12-16). Payton also teaches that the "subscriber profile 40 preferably includes a rating vector (shown in FIG. 6) in which the subscriber has rated each of the items he or she has previously requested. The subscriber profile 40 may also include demographic information about the subscriber such as the subscriber's general likes and dislikes." (Payton, Col. 5, lines 7-12). In Payton, "[e]ach subscriber has a local server that downloads recommended and specifically requested items and stores them in a local storage device." (Payton, Col. 2, line 67-Col. 3, line 2).

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Applicant submits that Payton teaches combining media assets into a grouping (i.e., recommended list) based on analysis of a *user's profile* by a collaborative filtering system. Moreover, Payton teaches presenting the media assets in a grouping to an *individual subscriber* who is likely to request them as predicted by the collaborative filtering system. Accordingly, Payton does not teach combining media assets and associated metadata into groupings based on at least one *common criteria of the media assets* and aggregating the groupings into at least one rollout for presentation to at least one *group of consumers* selected based on at least one common criteria of the consumers as recited in independent claims 1, 8, 15, 22, and 29.

Applicant submits that independent claims 1, 8, 15, 22, and 29 as amended are novel over the disclosure of Payton. Dependent claims 2-4, 6-7, 9-11, 13-14, 16-18, 20-21, 23-25, 27-28, 30-33, 35, and 37-39, dependent from independent claims 1, 8, 15, 22, and 29, respectively, or claims dependent therefrom, are allowable at least due to their dependency from an allowable independent claim. Applicant submits that the rejection of claims 1-4, 6-11, 13-18, 2-25, 27-33, 35, and 37-39 under 35 U.S.C. § 102(b) as being anticipated by Payton has been overcome.

The Examiner has rejected claims 5, 12, 19, 26, and 34 under 35 U.S.C. § 103(a) as being unpatentable over Payton in view of U.S. Patent No. 6,457,010 to Eldering. Applicant submits that the rejection of claims 5, 12, 19, 26, and 34 is rendered moot at least because these claims depend from an allowable independent claim, or claims dependent therefrom.

Applicant submits that independent claims 1, 8, 15, 22 and 29 are patentable and that dependent claims 2-7, 9-14, 16-21, 23-28, and 30-39 dependent from one of independent claims 1, 8, 15, 22 and 29, respectively, or claims dependent therefrom, are patentable at least due to their dependency from an allowable independent claim.

In view of the foregoing remarks, Applicant(s) submit(s) that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Therefore, it is requested that the

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Examiner reconsider the outstanding rejections in view of the preceding comments.
Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

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